

shall submit to the appropriate congressional committees a report that includes—

(i) an assessment of the pilot program carried out under this section, including statistics regarding the number of new entries, total businesses involvement, and any change in participation rate in the online toolkit and database during the preceding 180-day period;

(ii) recommendations for additional actions to improve the online toolkit and database and participation in the online toolkit and database; and

(iii) such other information as the Secretary considers appropriate.

(B) FORM.—Each report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(2) PUBLIC REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall post on a publicly available website of the Department of Commerce a report that, except as provided by subparagraph (B), includes—

(i) general statistics related to foreign and domestic sourcing of inputs used by United States businesses;

(ii) an estimate of the percentage of total inputs used by United States businesses obtained from foreign countries;

(iii) data on such inputs disaggregated by industry, geographical location, and size of operation; and

(iv) a description of the methodology used to calculate the statistics and estimates described in this subparagraph.

(B) INSUFFICIENT INFORMATION.—If the Secretary determines that insufficient information was submitted by United States businesses under this section to generate the statistics and estimates described in subparagraph (A), the Secretary may (subject to subsection (e)) determine what information is appropriate to make available to the public under this paragraph.

(C) CONSULTATIONS.—The Secretary shall consult with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence in drafting the report required by subparagraph (A) to ensure that no sensitive information will be included in the report.

(h) APPLICABILITY OF OTHER LAWS.—The Secretary shall carry out this section in accordance with the following provisions of law:

(1) Subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”).

(2) Section 552a of title 5, United States Code (commonly referred to as the “Privacy Act of 1974”).

(3) Section 1905 of title 18, United States Code (commonly referred to as the “Trade Secrets Act”).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) INITIAL FUNDING.—There are authorized to be appropriated to the Secretary \$12,000,000 for fiscal year 2022—

(A) for the establishment of the online toolkit and database under this section; and

(B) for the salaries and expenses of additional staff to carry out this section.

(2) ONGOING FUNDING.—There are authorized to be appropriated to the Secretary \$2,000,000 for each of fiscal years 2023 and 2024 to carry out this section.

(3) RETURN OF FUNDS.—The Secretary shall return to the Treasury any funds appropriated pursuant to an authorization of appropriations under this subsection that have not been obligated by the end of the fiscal year for which the funds were appropriated.

#### SEC. 6404. NATIONAL PUBLIC OUTREACH CAMPAIGN.

(a) IN GENERAL.—The Secretary shall carry out a national public outreach campaign—

(1) to educate United States businesses about the existence of the online toolkit and database established under section 6403; and

(2) to facilitate and encourage the participation of such businesses in the online toolkit and database.

(b) OUTREACH REQUIREMENT.—In carrying out the campaign under subsection (a), the Secretary shall—

(1) establish an advertising and outreach program directed to businesses, industries, State and local agencies, chambers of commerce, and labor organizations—

(A) to facilitate understanding of the value of an aggregated demand mapping system; and

(B) to advertise that the online toolkit described in section 6403(c) is available for that purpose;

(2) notify appropriate State agencies not later than 10 days after the date of the enactment of this Act regarding the development of the online toolkit; and

(3) post a notice on a publicly available website of the Department of Commerce and establish a social media awareness campaign to advertise the online toolkit.

(c) COORDINATION.—In carrying out the campaign under subsection (a), the Secretary may coordinate with other Federal agencies and State or local agencies as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$8,000,000 for each of fiscal years 2022 through 2024 to carry out this section.

(e) SEPARATE ACCOUNTING.—

(1) BUDGETARY LINE ITEM.—The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Commerce budget for fiscal years 2023 and 2024 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to carry out the campaign under subsection (a).

(2) PROHIBITION ON COMMINGLING.—Amounts appropriated to carry out this section may not be commingled with any other amounts appropriated to the Department of Commerce.

#### SEC. 6405. ANALYSIS OF SUPPLY CHAIN VULNERABILITIES.

The Secretary shall use the information in the database described in section 6403(d) to identify and analyze vulnerabilities in the United States supply chains of the target industries that will result in a threat, if disrupted, to the national security, economic security, or public health of the United States.

#### SEC. 6406. USE OF DEPARTMENT OF COMMERCE RESOURCES.

(a) IN GENERAL.—The Secretary—

(1) shall, to the maximum extent practicable, construct the online toolkit and database established under section 6403, and related analytical features, using expertise within the Department of Commerce; and

(2) may, as appropriate, adopt new technologies and hire additional employees to carry out this title.

(b) MINIMIZATION OF CONTRACTING.—If the activities described in paragraphs (1) and (2) of subsection (a) cannot be completed without the employment of contractors, the Secretary should seek to minimize the number of contractors and the scope of the contract.

#### SEC. 6407. AUTHORIZATION OF APPROPRIATIONS FOR CYBERSECURITY INFRASTRUCTURE.

There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for

each of fiscal years 2022 through 2024 for efforts relating to collecting and protecting information, and modernizing the technology infrastructure of the Department of Commerce.

#### SEC. 6408. TERMINATION.

This title shall terminate on September 30, 2026.

**SA 1984.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division E, insert the following:

#### SEC. 52. SHAREHOLDER NATIONAL SECURITY AWARENESS.

(a) SHORT TITLE.—This section may be cited as the “Shareholder National Security Awareness Act of 2021”.

(b) FINDINGS.—Congress finds the following:

(1) The national security of the United States is a necessary condition for the advancement of the national public interest, the general welfare, and the volume of credit available for trade, industry, and transportation, which form the bases for the necessity of the regulation of transactions in securities, as described in section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b).

(2) Transactions in securities may adversely affect the national security of the United States in a manner that is analogous to the circumstances described in paragraphs (3) and (4) of section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b), which state that the unreasonable expansion and contraction of the volume of credit is caused by the susceptibility of the prices of securities to manipulation and control, excessive speculation, and sudden and unreasonable fluctuations.

(3) In the case of the national security of the United States, the susceptibility of the prices of securities to manipulation and control, excessive speculation, and sudden and unreasonable fluctuations may create business financing conditions that prevent, erode, or cause the abandonment of long-term investment that is necessary for the formation, development, and maintenance of capital assets that perform functions that are essential to the national security of the United States by—

(A) undervaluing those capital assets relative to their necessity to the United States; and

(B) overvaluing transactions that would reduce, downsize, outsource, or offshore the operation of those capital assets.

(4) In the report to Congress required under section 2504 of title 10, United States Code, with respect to fiscal year 2020, the Department of Defense stated that “a U.S. business climate that has favored short-term shareholder earnings . . . [has] severely damaged America’s ability to arm itself today and in the future”.

(5) The susceptibility of the prices of securities to manipulation and control, excessive speculation, and sudden and unreasonable fluctuations establishes, with respect to capital assets that are essential to the national

security of the United States, a justification for providing shareholders with greater information regarding the possible adverse effects of certain transactions on the national security of the United States in order to improve the stability, quality, and informational efficiency of the market for those capital assets.

(c) DEFINITIONS.—In this section:

(1) CAUSE.—The term “cause” means to directly or indirectly cause.

(2) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(3) COMMITTEE.—The term “Committee” means the Committee for the Assessment of National Security in Corporate Governance established under subsection (g).

(4) COVERED PROVISION.—The term “covered provision” means subparagraph (F) of section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)), as added by subsection (d)(1) of this section.

(5) ISSUER.—The term “issuer” means an issuer with a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l).

(6) NATIONAL SECURITY ASSET.—The term “national security asset” —

(A) means an asset, the material reduction in the operation, the impairment, or the loss of which would harm the national security of the United States; and

(B) includes—

(i) any critical component, critical infrastructure, critical technology, critical technology item, and industrial resources, as those terms are defined in section 702 of the Defense Production Act of 1950 (50 U.S.C. 4552);

(ii) critical infrastructure and critical technologies, as those terms are defined in paragraphs (5) and (6) of section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)), respectively;

(iii) any intellectual property, or asset developed using intellectual property, that is developed through any program that has received funding, or that is authorized, under this Act; and

(iv) any facility or equipment developed through the program established under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

(7) SHAREHOLDER PROPOSAL.—The term “shareholder proposal” means a proposal by a shareholder that the applicable issuer is required to include in the proxy statement of the issuer under section 240.14a-8 of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(8) WITHIN THE UNITED STATES.—The term “within the United States” means within the United States or any territory or possession of the United States.

(d) DISCLOSURE OF SHARE OWNERSHIP WITH RESPECT TO PLANS OR PROPOSALS AFFECTING NATIONAL SECURITY ASSETS.—

(1) IN GENERAL.—Section 13(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Any person who” and inserting “Subject to paragraph (7), any person who”;

(ii) in subparagraph (D), by striking “and” at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(F) whether such person has any plan or proposal that would be reasonably expected to, if implemented, cause a material reduction to the operation by the issuer of a national security asset, as all such applicable terms are defined in subsection (c) of the

Shareholder National Security Awareness Act of 2021, within the United States or any territory or possession of the United States.”;

(B) in paragraph (6)(D), by inserting “, except that this subparagraph shall not apply with respect to an acquisition or proposed acquisition to which paragraph (1)(F) applies” after “purposes of this subsection”; and

(C) by adding at the end the following:

“(7) With respect to a person that has a plan or proposal described in paragraph (1)(F), this subsection shall be applied by substituting ‘2.5 per centum’ for ‘5 per centum’ each place that term appears.”.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall amend section 240.13d-101 of title 17, Code of Federal Regulations, or any successor regulation, to ensure that such section is consistent with the covered provision.

(e) RULEMAKINGS REGARDING REVIEW OF THE EFFECT OF PROXY SOLICITATIONS AND PROPOSALS ON NATIONAL SECURITY ASSETS.—Not later than 2 years after the date of enactment of this Act, the Commission shall—

(1) amend section 240.14a-2(b)(1)(vi) of title 17, Code of Federal Regulations, or any successor regulation, to provide that a person that is required to file a statement described in the covered provision is included as a person described in such section 240.14a-2(b)(1)(vi); and

(2) issue rules that permit an issuer to exclude from any proxy statement supplied by the issuer any shareholder proposal that would be reasonably expected to, if implemented, cause a material reduction to the operation by the issuer of a national security asset.

(f) REFERRAL TO COMMITTEE.—With respect to any material reviewed, or determination required to be made, by the Commission under a rule issued or amended under subsection (d)(2) or (e), the Commission may refer the matter to the Committee, which shall review the matter in a manner that is consistent with the requirements of subsection (g).

(g) COMMITTEE FOR THE ASSESSMENT OF NATIONAL SECURITY IN CORPORATE GOVERNANCE.—

(1) ESTABLISHMENT.—There is established the Committee for the Assessment of National Security in Corporate Governance, the primary objective of which shall be to assist the Commission in the review by the Commission of matters relating to national security, including the covered provision and matters relating to any rule issued or amended under subsection (d)(2) or (e).

(2) COMPOSITION.—The Committee shall be composed of the following members:

(A) The Secretary of Defense.

(B) The Attorney General.

(C) The Secretary of Homeland Security.

(D) The Secretary of Commerce.

(E) The United States Trade Representative.

(F) The Secretary of State.

(3) CHAIR.—

(A) IN GENERAL.—The Attorney General shall serve as Chair of the Committee.

(B) DUTIES OF THE CHAIR.—The Chair shall—

(i) except as otherwise provided by this section, or the amendments made by this section, have the exclusive authority to act, or to authorize other members of the Committee to act, on behalf of the Committee, including communicating with the Commission and with persons subject to the reviews authorized under paragraph (4); and

(ii) in acting on behalf of the Committee—

(I) keep the Committee fully informed of the activities of the Chair; and

(II) consult with the Committee before taking any material actions under paragraph (4).

(4) DUTIES.—

(A) REVIEW OF SHARE OWNERSHIP DISCLOSURE AND SHAREHOLDER PROPOSALS.—Not later than 45 days after the date on which the Commission refers a matter to the Committee under subsection (f), the Committee shall—

(i) conduct a review to determine, based on a written, risk-based analysis, whether the plan or proposal that is the subject of the referred matter would be reasonably expected to, if implemented, cause a material reduction to the operation by the applicable issuer of a national security asset within the United States; and

(ii) communicate to the Commission any determination made by the Committee under clause (i).

(B) COMMUNICATION.—The Committee may—

(i) communicate directly with any person that is the subject of a review under this paragraph; and

(ii) submit to any person described in clause (i) any questions or requests for information to establish facts necessary to conduct a review described in that clause.

(C) TOTALITY OF THE CIRCUMSTANCES.—In making any determination under this paragraph regarding whether a plan or proposal would reasonably be expected to, if implemented, cause a material reduction to the operation by the issuer of a national security asset, the Committee may consider any of the following:

(i) The totality of the circumstances with respect to the plan or proposal, including—

(I) consideration of whether, in taking a separate action, the person to which the determination applies is—

(aa) planning or proposing a material increase with respect to the operation of the applicable national security asset or any other national security asset; or

(bb) creating or developing any new asset relating to the national security of the United States that would offset the material reduction with respect to the operation of the national security asset; and

(II) whether that material reduction is caused by—

(aa) any sale of, or other disposition of (whether in a single transaction or a series of transactions) assets or capital stock;

(bb) any merger, consolidation, joint venture, partnership, spin-off, reverse spin-off, dissolution, restructuring, recapitalization, liquidation, or any other business combination or strategic transaction; or

(cc) any other transaction or event the Committee determines appropriate.

(ii) The totality of the circumstances with respect to the operation of the national security asset, including—

(I) the amount of time in operation of the applicable asset;

(II) the number, amount, or quality of inputs, whether from labor, energy, or other sources, contributing to the operation of the applicable asset;

(III) the number, amount, or quality of outputs, whether in the form of labor, components, or end-use products, that result from the operation of the applicable asset; and

(IV) any other measurement with respect to the operation that the Committee determines appropriate.

(D) PRESUMPTION OF MATERIAL REDUCTION.—With respect to any review conducted by the Committee under this paragraph, there shall be a presumption, which may be rebutted through any information received by the Committee through communication permitted under subparagraph (B), that the

plan or proposal that is the subject of the review would be reasonably expected to, if implemented, cause a material reduction to the operation by the applicable issuer of a national security asset if that plan or proposal would, if implemented, cause—

(i) in a fiscal year, distributions, including capital distributions, with respect to the common stock of the issuer to exceed the net income of the issuer with respect to any of the 3 most recently completed fiscal years of the issuer;

(ii) the sale of any material line of business of the issuer with respect to which the issuer has, or had in any of the 3 most recently completed fiscal years of the issuer, a contract with the Federal Government; or

(iii) a reduction in expenditures on research and development by the issuer in an amount that is more than 50 percent, as compared with the amount of those expenditures in any of the 3 most recently completed fiscal years of the issuer.

**(5) CONSENSUS.—**

(A) **IN GENERAL.**—The Committee shall attempt to reach consensus with respect to determinations made under paragraph (4).

(B) **INABILITY TO REACH CONSENSUS.**—If the Committee is unable to reach consensus, as described in subparagraph (A)—

(i) the Chair shall present the issue to the Committee, which shall make a determination by majority vote; and

(ii) if the vote of the Committee under clause (i) is a tie, the Chair shall make the final decision regarding the applicable determination.

(C) **PUBLICLY AVAILABLE VERSION OF DETERMINATION.**—The Committee shall publish publicly a version of any determination made under paragraph (4) that provides the reasoning for the determination, which may have removed classified or other sensitive information from the determination or any analysis from the determination.

**(D) IMPLEMENTATION.—**

(i) **DEPARTMENT OF JUSTICE.**—The Attorney General shall provide such funding and administrative support for the Committee as the Committee may require.

(ii) **OTHER DEPARTMENTS AND AGENCIES.**—The heads of executive departments and agencies shall provide, as appropriate and to the extent permitted by law, such resources, information, and assistance as required to implement the reviews required by paragraph (4) within their respective agencies, including the assignment of staff to perform the duties described in this subsection.

(6) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee or the activities of the Committee.

**SA 1985.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

**SEC. 25. NATIONAL STRATEGIC URANIUM RESERVE.**

(a) **DEFINITIONS.**—In this section:

(1) **URANIUM RESERVE.**—The term “Uranium Reserve” means the uranium reserve operated pursuant to the program established under subsection (b).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, acting through the Under Secretary for Science and Energy.

(b) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a program to operate a uranium reserve comprised of uranium recovered in the United States in accordance with this section.

(c) **PURPOSES.**—The purposes of the Uranium Reserve are—

(1) to address domestic nuclear supply chain issues;

(2) to provide assurance of the availability of uranium recovered in the United States in the event of a supply disruption; and

(3) to support strategic nuclear fuel cycle capabilities in the United States.

(d) **EXCLUSION.**—The Secretary shall exclude from the Uranium Reserve uranium that is recovered in the United States by an entity that—

(1) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(e) **FUNDING.**—Notwithstanding any other provision of this Act, of the amounts authorized in section 2117(a), \$150,000,000 is authorized for each of fiscal years 2022 through 2026 to carry out this section.

**SA 1986.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

**SEC. 25. HA-LEU BANK.**

(a) **DEFINITIONS.**—In this section:

(1) **HA-LEU.**—The term “HA-LEU” means high-assay, low-enriched uranium.

(2) **HA-LEU BANK.**—The term “HA-LEU Bank” means the HA-LEU Bank operated pursuant to the program established under subsection (b).

(3) **HIGH-ASSAY, LOW-ENRICHED URANIUM.**—The term “high-assay, low-enriched uranium” means uranium having an assay greater than 5.0 weight percent and less than 20.0 weight percent of the uranium-235 isotope.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, acting through the Under Secretary for Science and Energy.

(b) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to operate a HA-LEU Bank in accordance with this section.

(c) **PURPOSES.**—The purposes of the HA-LEU Bank are—

(1) to provide for the availability of domestically produced HA-LEU;

(2) to address domestic nuclear supply chain issues; and

(3) to support strategic nuclear fuel cycle capabilities in the United States.

(d) **EXCLUSION.**—The Secretary shall exclude from the HA-LEU Bank uranium that is enriched by an entity that—

(1) is owned or controlled by the Government of the Russian Federation or the Government of the People's Republic of China; or

(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People's Republic of China.

(e) **FUNDING.**—Notwithstanding any other provision of this Act, of the amounts authorized in section 2117(a), \$150,000,000 is authorized for each of fiscal years 2022 through 2026 to carry out this section.

(f) **CONFORMING AMENDMENT.**—Section 2001(a)(2)(D) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)(D)) is amended—

(1) in clause (v)(III), by adding “or” after the semicolon at the end;

(2) by striking clause (vi); and

(3) by redesignating clause (vii) as clause (vi).

**SA 1987.** Mr. SCOTT of Florida (for himself, Mr. CRUZ, Ms. ERNST, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, at the end add the following:

**SEC. 25. GRANTS FOR RESEARCHING COVID-19 ORIGINS.**

(a) **AWARDS.**—Out of amounts made available to the Foundation under section 2116 for activities outside of the Directorate, the Director shall award grants to entities described in subsection (b) for the purpose of researching the origins of COVID-19, including researching any evidence of whether COVID-19—

(1) was in any way manufactured;

(2) escaped from a laboratory; or

(3) involved a zoonotic origin.

(b) **ELIGIBLE ENTITIES.**—An entity described in this subsection is an entity that—

(1) is based in the United States; and

(2) submits a proposal to the Director for a grant under this section, which shall ensure that the entity complies, and all activities supported through the grant will comply, with all policies and procedures with respect to research security under title III, including by complying with the policy guidelines under paragraphs (2) and (3) of section 2303(a) with respect to prohibitions on participation in a foreign government talent recruitment program of the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, or the Islamic Republic of Iran as described in such paragraphs.

(c) **ANNUAL REPORTS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the year following the date described in subsection (d), the Director shall provide to Congress, and make publicly available, a report on the findings of the research supported through the grants under this section.